THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3568 OF 2006

24.2.2006

Between:

The Nellore District Ex-Servicemen Association,

Represented by its President Vyasarapadi Sai Kumar

… Petitioner

And

The District Collector, Nellore, Nellore District

And others

… Respondents

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ORDER:

It is the case of the petitioner association that 36 Ex-Servicemen and widows of Ex-Servicemen were assigned government land admeasuring Acs.5.00 each in

survey No.521/C of Kolanakuduru village of Manubole Mandal in Nellore District in 1996-1997. They also allege that the respondents are trying to interfere with the possession of the assignees without any prior notice. They, therefore, seek a direction to the third respondent not to interfere with the peaceful possession. Though it is alleged that the land was assigned to the Ex-Servicemen and the widows of Ex-Servicemen individually, they have not filed the writ petition. The association known as the Nellore District Ex-Servicemen Association has filed the writ petition. The writ petition is therefore liable to be dismissed on the principle of *jus tertii*. It shall, however, be open to the individual Ex-Servicemen/assignees to seek the remedy before the appropriate forum.

The writ petition, with the above observations, is dismissed. No costs.

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(V.V.S.RAO,J)

February 24, 2006.

NOTE:

Issue order copy in

Two weeks.

(By order)

YS